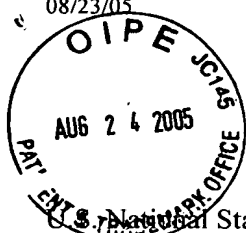


1006 Rec'd PCT/PTO 24 AUG 2005

IN THE UNITED STATES RECEIVING OFFICE (RO/US)  
Designated/Elected Office (DO/EO/US)



U.S. National Stage of  
International Application No.: PCT/GB2003/004050

International Filing Date: 22 September 2003

Earliest Priority Date: 20 September 2002

Applicants: Malcolm Carter, Elisa Henderson, Richard Kelsey, Lara Wilson, Phil Chambers,  
Debra Taylor and Stan Tyms

Title: BENZODIAZEPINE DERIVATIVES AND PHARMACEUTICAL  
COMPOSITIONS CONTAINING THEM

Attorney's Docket No.: 3890.1000-000

Date:

8-24-05

EXPRESS MAIL LABEL NO. EV215897094US

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

☐ under 37 CFR 1.129(a), or  
(First/Second submission after Final Rejection)

☒ under 37 CFR 1.97(b), or  
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).

☐ under 37 CFR 1.97(c) together with either:  
☐ a Statement under 37 CFR 1.97(e), as checked below, or  
☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

☐ under 37 CFR 1.97(d) together with:  
☐ a Statement under 37 CFR 1.97(e), as checked below, and  
☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)

☐ under 37 CFR 1.97(i):  
Applicant requests that the IDS and cited reference(s) be placed in the application  
filewrapper.  
(Filed after payment of issue fee)

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Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
  - ☒ Copies of the cited references, B1-B21 and C1-C2, are enclosed.
    - ☒ Copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
  - ☐ Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
  - ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
  - ☒ The "concise explanation" requirement (non-English references) for reference(s) B9 and C1, under 37 CFR 1.98(a)(3) is satisfied by:
    - ☐ the explanation provided on the attached sheet.
    - ☐ the explanation provided in the Specification.
    - ☐ submission of the enclosed International Search Report.
    - ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
  - ☒ the enclosed English language abstract.

☐ Applicant requests that the following non-published pending applications be considered:

Examiner's  
Initials

\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]  
\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]  
\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

\_\_\_\_\_  
Examiner

\_\_\_\_\_  
Date

- ☐ A copy of each above-cited application, including the current claims, is enclosed, except any application filed on or after June 30, 2003, which has been scanned into the PTO's Image File Wrapper (IFW) system and is available to the examiner.
- ☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

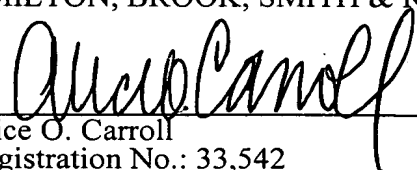
Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account 08-0380 in the amount of \$[ ]. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By

  
\_\_\_\_\_  
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Concord, MA 01742-9133

Dated:

*August 24, 2005*

PTO-1449 REPRODUCED  <b>SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION</b>  <b>August 23, 2005</b>  (Use several sheets if necessary)	ATTORNEY DOCKET NO. 3890.1000-000		APPLICATION NO. 10/528,250	
	FIRST NAMED INVENTOR Malcolm Carter		FILING DATE June 21, 2005	
	EXAMINER	CONFIRMATION NO.	GROUP	

## U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	A1	5,776,930	07-07-1998	Lynch, Jr., <i>et al.</i>
	A2	6,436,971 B2	08-20-2002	DeMarsh, <i>et al.</i>
	A3	5,593,988	01-14-1997	Tahara, <i>et al.</i>
	A4	5,218,114	06-08-1993	Bock, <i>et al.</i>
	A5	5,220,018	06-15-1993	Bock, <i>et al.</i>
	A6	4,988,692	01-19-1991	Gasc, <i>et al.</i>
	A7			
	A8			
	A9			
	A10			
	A11			
	A12			
	A13			
	A14			
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	A16			
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	A25			

EXAMINER	DATE CONSIDERED
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PTO-1449 REPRODUCED  <b>SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION</b>  <b>August 23, 2005</b>  (Use several sheets if necessary)	ATTORNEY DOCKET NO. 3890.1000-000		APPLICATION NO. 10/528,250	
	FIRST NAMED INVENTOR Malcolm Carter		FILING DATE June 21, 2005	
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## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER Country Code-Number-Kind Code (if known)	DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT	TRANSLATION YES NO	
	B1	EP 0 167 919 A2	01-15-1986	Merck & Co., Inc.		
	B2	EP 0 434 364 A2	06-26-1991	Merck & Co., Inc.		
	B3	EP 0 475 231 A1	03-18-1992	F. Hoffmann-La Roche AG		
	B4	EP 0 508 797 A1	10-14-1992	Merck & Co., Inc.		
	B5	EP 0 508 798 A1	10-14-1992	Merck & Co., Inc.		
	B6	EP 0 523 845 A2	01-20-1993	Merck & Co., Inc.		
	B7	WO 98/18473	05-07-1998	Merck & Co., Inc.		
	B8	CN1338456	03-06-2002	Ins. of Medical Materials Chin (CN)	(abstract only)	
	B9	WO 00/28947	05-25-2000	Sanofi-Synthelabo	abstract	
	B10	WO 99/19306	04-22-1999	Board of Regents, The University of Texas System		
	B11	KR212435	08-02-1999	Korea Res Inst Chem Tech (KR)		
	B12	WO 98/00406	01-08-1998	Merck & Co., Inc.		
	B13	WO 95/14470	06-01-1995	Merck & Co., Inc.		
	B14	WO 93/11771	06-24-1993	Cocensys, Inc.		
	B15	WO 93/07129	04-15-1993	Yoshitomi Pharmaceutical Industries, Ltd.	(abstract only)	
	B16	EP 0 421 802 A2	04-10-1991	Merck & Co., Inc.		
	B17	EP 0 284 256 A1	09-28-1988	Merck & Co., Inc.		
	B18	WO 00/66106	11-09-2000	The Regents of the University of Michigan		
	B19	JP 02-215774	08-28-1990	Roussel Uclaf	abstract	
	B20	EP 0 638 560 A1	02-15-1995	Yoshitomi Pharmaceutical Industries, Ltd.		
	B21	WO 02/40023 A1	05-23-2002	SmithKline Beecham Corporation		

EXAMINER	DATE CONSIDERED
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PTO-1449 REPRODUCED  <b>SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION</b>  <b>August 23, 2005</b>  (Use several sheets if necessary)	ATTORNEY DOCKET NO. <b>3890.1000-000</b>		APPLICATION NO. <b>10/528,250</b>	
	FIRST NAMED INVENTOR <b>Malcolm Carter</b>		FILING DATE <b>June 21, 2005</b>	
	EXAMINER		CONFIRMATION NO.	GROUP

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
C1	Del Giudice, <i>et al.</i> , Chemical Abstract 97:23755 CA, "Synthesis of 2- and 3-amino-1, 4-benzodiazepines," <i>Farmaco, Edizione Scientifica</i> 37(5):434-452 (1982).	
C2	Kelsey, R., et al., "Synthesis, Resolution and Evaluation of Small Molecule Inhibitors of Respiratory Syncytial Virus," Presented at 44 <sup>th</sup> ICAAC, Oct. 30-Nov 2, 2004.	
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